

REMARKS

The present application has been reviewed in light of the Office Action dated February 25, 2008. Claims 1, 2, and 5-14 are presented for examination, of which Claims 1 and 12 are in independent form. Claims 1, 2, and 5-13 have been amended to define more clearly what Applicants regard as their invention. Claims 3 and 4 have been canceled without prejudice or disclaimer of the subject matter presented therein. Reconsideration of this application is respectfully requested.

The Office Action rejected Claim 1 under 35 U.S.C. 112, first paragraph, as being of undue breadth. Specifically, the Office Action states “[a] single means, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph.” *See* Office Action page 2. Without conceding the propriety of this rejection, Claim 1 has been amended, to recite additional elements in the claimed system. Accordingly, it is believed that the rejection under Section 112, first paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 2-11 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended the claims to address the antecedent basis issues raised in the Office Action. Accordingly, it is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 1-7 and 12-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0010462 (*Moon et al.*, hereinafter “*Moon*”); and rejected Claims 8-11 under § 103(a) as being unpatentable over *Moon* in view of U.S. Patent No. 6,078,888 (*Johnson, Jr.*). Applicants respectfully traverse these

rejections and submit that amended independent Claims 1 and 12, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Without conceding the propriety of the outstanding rejections, Applicants have amended Claim 1 to define more clearly Applicants' transaction processing features. At the very least, Applicants submit that *Moon* fails to teach or reasonably suggest a transaction device reader generating a transaction device proxy code after receiving a transaction account identifier from a transaction device.

As best understood by Applicants, in *Moon*, the "consolidated platform . . . host entity can associate each underlying source account with an identifier that can be . . . a representative proxy account number . . . , the associated identifier represent[ing] a particular one of the underlying source accounts and not the particular customer having those underlying source accounts." *See Moon* paragraph 23. While *Moon* apparently generates some form of a proxy account number, nothing has been found in *Moon* to teach or reasonably suggest a system with "a transaction device reader system . . . , wherein after receiving said transaction account identifier, said transaction device reader system generates a transaction device proxy code, deletes the transaction account identifier, and does not communicate the transaction account identifier for use in further transaction processing; and a transaction device account issuer system configured to . . . correlate the transaction device proxy code with the transaction account . . . ," as recited by Claim 1 (emphasis added).

Nothing has been found in *Johnson, Jr.* to cure the deficiencies identified above with regard to *Moon*. As best understood by Applicants, *Johnson, Jr.* fails to discuss transaction device proxy codes in any form.

For at least these reasons, Applicants submit that Claim 1 is not anticipated by *Moon*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

Independent Claim 12 includes features similar to that discussed above with respect to Claim 1. Therefore, that claim is also believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim also is deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

Applicants have submitted an Information Disclosure Statement (IDS) herewith. The \$ 180.00 fee for the Information Disclosure Statement set forth in 37 CFR 1.17 (p) has been submitted herewith.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

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